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TO: Brian E. Yates, Chairman, and
Members of the Zoning and Planning Committee

FROM: Michael Kruse, Director of Planning and Development
Juris Alksnitis, Chief Zoning Code Official

SUBJECT: **Working Memo – for discussion**
Docket Item # 137-05 of ALD. BAKER requesting a discussion of possible remedies via amendment to Chapter 30 re: the partial demolition of structures and the dimensional control requirement.

CC: Board of Aldermen
Mayor David B. Cohen
Planning and Development Board
Philip B. Herr, Chair, Comprehensive Planning Advisory Committee

I. BACKGROUND

This docket item was placed on the agenda of the Zoning and Planning Committee (ZAP) for preliminary discussion at its meeting on April 11, 2005. Concerns expressed at the meeting focused on issues associated with Section 30-15, Table 1, Footnote 7(3) pertaining to the exemption from Floor Area Ratio (FAR) which is available when 50% or less demolition occurs. This working memorandum prepared by the Planning Department provides some initial information as requested by the Committee. It is anticipated that more study may be needed as this item is further considered by ZAP.

II. CURRENT ORDINANCE

Section 30-15, Table 1, Footnote 7(3) states as follows:

"FAR requirements shall apply only to (3) reconstruction where more than fifty (50%) percent of an existing structure is demolished."

In effect, this provision allows a property owner or developer to demolish up to half of the existing structure and expand the remaining portion to a *much larger* new structure to the maximum limits available per Table 1, without complying with Floor Area Ratio.

The purpose of FAR when adopted by the Board of Aldermen in April 1997, was to help moderate the bulk of structures in relation to the streetscape and neighborhood fabric. A key purpose of FAR is to help regulate the density of development and building mass on a lot by setting limits on gross floor area. Footnote 7(3) as currently formulated may have intended to hold harmless certain development options available to existing property owners wishing to have the future opportunity to expand their homes in response to family needs. However, it now appears that the 50% exemption also enables the development of much larger structures without the moderating control of FAR. In effect, the opposite result may be occurring, - i.e. instead of families building modest additions, owners or developers build excessive structures in conjunction with existing homes, or parts of existing homes. This combination together produces large volume (or bulk) and houses with no limits on floor area. Too often these new structures are out of scale with the immediate neighborhoods in which they are located.

III. SAMPLING OF DEMOLITION CASES.

Planning Department staff has sampled 12 demolition cases, of which 11 have received building permits to date. Locations were taken from among those reviewed by the Newton Historical Commission, which has a readily accessible list of demolition requests and from suggestions by Inspectional Services Department staff. The purpose was to ascertain if there are any readily apparent patterns or trends in the partial demolition and subsequent enlargement of homes where demolition is 50% and less. Plans were reviewed to the extent available in the Inspectional Services property address file folders and plan files. As few architectural plans are readily available, inferences were made from site plans and such calculations as provided by surveyors or architects. A summary of this sample is enclosed in “**Attachment A – Summary of Demolition Sample.**” While in many cases, the figures are either derived or estimated from such data as found, a general sense of the scale of the demolitions and additions does emerge. It is interesting to note that while relatively few cases approached 50% demolition, 10 of 12 cases in this sample have post-addition FAR in excess of the limit for the zone in which the dwelling is located. In addition, multiple cases indicate very substantial increases in floor area compared to floor area available prior to the alterations.

IV. SUMMARY

Although a limited sample, the above information suggests a trend to much larger home additions, regardless of the portion of the original home which is demolished. In turn, this underscores the need to revisit the FAR exemption provided by Footnote 7(3). Elimination of the exemption would result in a more uniform application of FAR to both new construction as well as additions. This approach would ensure that scale and size of all new construction would be more consistent with the neighborhood environment.

Attachments

Attachment A: – Summary of Demolition Sample.

Property	Neighborhood	Zone	Lot Area	FAR allowed	S.F. before	Old FAR	Date of Building Permit	% demolished	S.F. after	New FAR	Over?	Notes
31 Duncklee Street		SR2	6440	.30	* 1932	* .14	4/4/03	* 15.66%	* 2190	* .34	Yes	
30-32 Chesley Road		SR2	13,389	.30	* 2819	* .21	Applying	* 20%	5865	.43	Yes	Not including basement, attic, or large deck. If included, FAR would be about .70
16 Tocci Path		SR3	7,096	.35	2302	.32	6/10/02	31.37%	* 2936	* .41	Yes	
15-17 Washington Park		MR1	14,439	.30	** 2430	** .16	2/19/03	** 31.09%	** 7380	** .51	Yes	If include basement and attic then FAR is .93
361 Commonwealth Ave.		SR2	17,390	.30	** 8009	** .46	5/27/03	** 7% to 10%	**10,404	** .59	Yes	
Alba Circle		SR2	13,542	.30	* 2077	* .15	Nov 04	Close to 50%	* 6262	* .46	Yes	Does not include basement or attic in measurements. There is not enough information to estimate if included.
248 Valentine St.		SR2	9,840	.30	Unknown	Unknown	10/15/04	Unknown	** 5125	** .52	Yes	Very little information available.
86 Oldham Rd.		SR2	10,380	.30	Unknown	Unknown	8/20/04	45.5%	** 5060	** .49	Yes	Very little information available.
32 Park Ave.		SR2	13,612	.30	* 2470	* .18	8/31/01	Close to 50%	** 7230	** .53	Yes	Not including basement or ½ story – if included FAR could be as much as .75
39 Green Park		SR2	10,112	.30	* 1822	* .18	6/8/04	44.37%	3480	.34	Yes	If include basement and attic then SF = 6548 and FAR = .65
349 Commonwealth Ave.		SR2	27,609	.30	3532	12.82%		unknown	7344	.26	No	
6 Wessex Road		MR1	9,566	.40	* 2415	* .25	8/4/03	27.96%	3586	.37	No	Basement, attic, detached garage, & underground garage not included - if they were, FAR would be .70

* Fairly accurate estimation

** Rough estimate

If a figure is not asterisked, then the figure was provided in a report by an architect, inspector, etc.